

REGULAR CITY COUNCIL MEETING
SEPTEMBER 9, 2002

PRESENT

Gayle Bunker
Wesley Bloomfield
Bruce Curtis
Robert Droubay
Margaret Dutson
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Gregory Jay Schafer
Judy Baker
Richard Waddingham
Alan Riding
Brandon & Dena Kay Neilson
Todd & Nanelle Holt
Shariden Riding
Mike & Tina Nielson
John Chartier
Phil Sabey

City Recorder
City Treasurer
City Attorney
Public Works Director
City Residents
City Residents
City Resident
City Residents
Sunrise Engineering
City Resident

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place, and agenda had been posted at the City Building, had been given to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the City Council at least two days prior to the meeting. City Recorder Gregory Jay Schafer acted as secretary.

Council Member Robert Droubay offered an invocation, following which Mayor Bunker led those in attendance in the Pledge of Allegiance.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Glen Swalberg MOVED to approve the accounts payable dated September 9, 2002, in the amount of \$75,088.46. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

RCCM 09-09-02

Page 2

UNFINISHED BUSINESSCITY ATTORNEY RICHARD WADDINGHAM: STREET VACATION FOR 33 FOOT WIDE ALLEY WAY INTERSECTING PROPERTY LOCATED AT APPROXIMATELY 407 SOUTH 100 WEST

City Attorney Waddingham advised the Council that he has not received a property description so he is unable to provide the necessary documents at this time. Council Member Wesley Bloomfield MOVED to table discussion of this matter until City Attorney Waddingham receives a property description. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESSTODD HOLT, TODD E. HOLT, CPA: TRANSFER OF BUSINESS LICENSE FROM PETERSON & ASSOCIATES, P.C. TO TODD E. HOLT, CPA

Mr. Holt addressed the Council to request transfer of the business license issued to Peterson & Associates, P.C. to Todd E. Holt, C.P.A. for the balance of this year. Mayor Bunker advised the Council that the Delta City Business License Ordinance requires that any business license transfer must be approved by the Council. Council Member Robert Droubay MOVED to approve transfer of the business license issued to Peterson & Associates, P.C. for calendar year 2002 to Todd E. Holt, C.P.A. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER ROBERT DROUBAY: SILVER SAGE SUBDIVISION PHASE IV FINAL PLAT

Council Member Robert Droubay told the Council that the Silver Sage Subdivision Phase IV plat had been revised and that the Planning & Zoning Commission had reviewed the revised plat and recommended that the Council approve the Silver Sage Phase IV plat. Council Member Robert Droubay MOVED to approve the final plat for Silver Sage Subdivision Phase IV, as presented, with the condition that sidewalk be installed along the frontage of Lot 7. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: PROPOSED AMENDMENT TO DELTA CITY ZONING ORDINANCE APPENDIX 5 - COMMERCIAL ZONES, SECTION A5-3

Mayor Bunker noted that a public hearing had been held prior to this meeting for the purpose of

RCCM 09-09-02

Page 3

receiving public comment regarding the proposed amendment to the Delta City Zoning Ordinance Appendix 5 - Commercial Zones, Section A5-3. There was no negative comment received at that meeting. The proposed amendment would change language stating: "Dwellings may be included in businesses in the Central Business Zone (CB) or Highway Commercial Zone (HC) as a conditional use" to language stating: "Dwellings may be included as a conditional use in businesses in the Central Business Zone (CB) or Highway Commercial Zone (HC)."

City Attorney Richard Waddingham distributed the following Ordinance:

ORDINANCE NO. 02-202

AN ORDINANCE AMENDING APPENDIX 5, A5-3 COMMERCIAL ZONES, DELTA CITY ZONING ORDINANCE

Council Member Wesley Bloomfield MOVED to adopt Ordinance No. 02-202, an ordinance amending Appendix 5, A5-3 Commercial Zones, Delta City Zoning Ordinance. The motion was SECONDED by Council Member Bruce Curtis. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Droubay	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

CITY RECORDER GREGORY JAY SCHAFER: ADMINISTER OATH OF OFFICE TO PUBLIC WORKS DIRECTOR ALAN RIDING

City Recorder Gregory Jay Schafer administered the Oath of Office to newly appointed Public Works Director Alan Riding.

PUBLIC WORKS DIRECTOR ALAN RIDING: PROPOSED PENALTY FOR WATER DISCONNECTION NOTICE SERVICE AND DEVELOPMENT OF DELINQUENT SERVICE ACCOUNT TRACKING

Public Works Director Alan Riding advised the Council that he had discussed this matter with Mayor Bunker at the time he was leaving the City Building to deliver shut-off notices. At that time he had approximately thirty notices, which are required to be hand delivered or hung on doors, advising customers that they have forty-eight hours to make payment on their accounts or water service will

RCCM 09-09-02

Page 4

be terminated. If water service is terminated, the customers are charged a \$25.00 reconnect fee. Public Works Director Riding told the Council that a Resolution was adopted in 1984 establishing a \$2.00 per month late fee and the \$25.00 reconnect fee. At this time, we mail approximately sixty certified mail letters to delinquent accounts each month at a cost of \$4.42 each. Approximately one-third of those notices are not picked up. The cost of following the legal process of notices for delinquent accounts and terminating service is costing approximately \$265 per month, or about \$3,200 per year. That amount is off-set by the \$2.00 monthly late fee and the \$25.00 reconnect fee.

Public Works Director Riding asked the Council for input on whether they felt a need to adjust the late and reconnect fees. The major concern at this time is the number of delinquent accounts which are being serviced. Under present guidelines, an account is approximately 120 days old at the time service is terminated.

Council Members felt that the fees should be adjusted and requested that Public Works Director Riding prepare a proposal for review by the Council at a later meeting.

CITY ATTORNEY RICHARD WADDINGHAM: INTERLOCAL COOPERATION ACT AGREEMENT CREATING WEST MILLARD WATER AGENCY

City Attorney Richard Waddingham stated that Hinckley Town had reviewed the agreement and will call a special meeting to approve signing of the agreement. Council Members discussed various terms of the agreement with City Attorney Waddingham and determined that they would like to have language inserted on Page 11, Section 8.3.1 which would include the "cost of delivery of the water" to the price for each gallon of water delivered.

City Attorney Richard Waddingham distributed copies of the following Resolution:

RESOLUTION NO. 02-280

A RESOLUTION OF THE DELTA CITY COUNCIL APPROVING AN INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN DELTA CITY, HINCKLEY TOWN AND DESERET-OASIS SPECIAL SERVICE DISTRICT FOR CREATION OF AN AGENCY FOR JOINT AND COOPERATIVE ACTIONS; APPOINTING REPRESENTATIVES TO THE AGENCY; AND AUTHORIZING EXECUTION OF THE AGREEMENT BY DESIGNATED CITY OFFICERS.

Council Member Wesley Bloomfield MOVED to approve Resolution No. 02-280, a resolution of the Delta City Council approving an Interlocal Cooperation Act Agreement, as reworded and corrected, between Delta City, Hinckley Town and Deseret-Oasis Special Service District for creation of an agency for joint and cooperative actions; appointing representatives to the agency; and authorizing execution of the agreement by designated city officers. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions

RCCM 09-09-02

Page 5

regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Droubay	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

Mayor Bunker noted that Delta City must appoint three directors to the governing board of the West Millard Water Agency. He recommended that the Mayor, the Council Member over water service (Council Member Wesley Bloomfield), and Neil Forster be appointed as directors. Council Member Robert Droubay MOVED to appoint Mayor Bunker, the Council Member over water service who, at this time is Wesley Bloomfield, and Neil Forster as directors for the West Millard Water Agency board, with the Mayor being appointed to a four-year term, the Council Member and Neil Forster being appointed to two year terms. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

There was discussion as to when the terms of office would begin and end. Council Member Wesley Bloomfield MOVED to set the terms of office for directors of the West Millard Water Agency Board to run from January 1st to January 1st of each year. The motion died for lack of a SECOND. Council Member Wesley Bloomfield MOVED to amend his motion to set the terms of office for directors of the West Millard Water Agency Board to run from February 1st to February 1st of each year. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Wesley Bloomfield	Yes
Bruce Curtis	Yes
Robert Droubay	Yes
Margaret Dutson	Yes
Glen Swalberg	Yes

The motion passed unanimously.

OTHER BUSINESS

Mayor Bunker advised the Council that Josh Ashcraft would like to address the Council and invited Mr. Ashcraft to come forward. Mr. Ashcraft reminded the Council that he had attended the previous meeting to request Council support for Constitution Week and distributed copies of his proposed

RCCM 09-09-02

Page 6

agenda for recognition of Constitution Week. Mr. Ashcraft has organized a program in the park to celebrate Constitution Week. He approached Sound Unlimited for assistance with a sound system for the program. Sound Unlimited reduced their fee to \$100 and Mr. Ashcraft is attempting to obtain donations from businesses to cover the costs associated with the program. He made a request of the City Council to pay the cost of the sound system for the program.

Council Member Glen Swalberg MOVED to donate \$100 towards the sound system fee for the Constitution Week program. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker asked Mr. John Chartier, Sunrise Engineering to discuss the information he had provided for the Council. Mr. Chartier advised the Council that, inasmuch as they had approved and signed the West Millard Water Agency Agreement, it will be necessary for them make application for study money by Friday, September 13, 2002, in order to get on the Drinking Water Board agenda for the October meeting. It is his recommendation that Mayor Bunker sign the application for study money at this time so that the application can be timely made. Applications for study money have also been forwarded to Hinckley Town and Deseret-Oasis Special Service District. The application does not make any commitment, it simply puts Delta City in line for funding to conduct a study. Council Member Robert Droubay MOVED to authorize Mayor Bunker to sign a letter of application requesting study money of \$60,500 from the Drinking Water Board for the West Millard Water Agency. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker reported that Phil Sabey, Chairman of the Planning & Zoning Commission, had advised him that he will be moving outside of Delta City limits and will need to be replaced as a member of the Planning & Zoning Commission. Mayor Bunker will meet with Council Member Robert Droubay and Public Works Director Alan Riding to suggest individuals to fill the vacancy on the Planning Commission.

Council Member Robert Droubay distributed a list of proposed names of individuals to be personally invited to the Van's Dance Hall reception, scheduled for September 25, 2002. Council Members discussed the proposed draft of an invitation letter to be sent to those individuals. Council Member Wesley Bloomfield MOVED to authorize Mayor Bunker to sign the proposed letter of invitation for the Van's Dance Hall reception and to include in the letter the amount of grant funds which are

RCCM 09-09-02

Page 7

available contingent upon Van's Hall Restoration Committee obtaining matching funds. The motion was SECONDED by Council Member Glen Swalberg. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Council Member Margaret Dutson reported that she had obtained the name of the individual to contact to request an F-16 flyover during our Fourth of July parade next year. She has drafted a letter to request the flyover and requested input from the Council regarding the proposed letter. It was requested that the letter be sent under signature of the Mayor. Council Member Dutson will have the letter rewritten for signature by the Mayor.

Council Member Wesley Bloomfield reported that there is an application deadline approaching for grant funds which could be used for construction of the skate park. He noted that the application requires a drawing of the proposed site and requested that a drawing be made showing the proposed site on the west side of the old football field, north of the City Building. The proposed skate park would be approximately 265 feet deep and 80 feet wide.

Council Member Wesley Bloomfield advised the Council that he has received requests that stripes be painted on Center Street. Public Works Director Riding stated that there will be some striping done within the next few weeks and he will discuss with the Mayor which streets will be striped.

Council Member Wesley Bloomfield asked whether roofing materials for the City Building had been ordered. He was advised that the materials have been ordered and should arrive in approximately ten days. The roof will be replaced soon after the materials are received.

Public Works Director Riding reported that the State Division of Drinking Water had referred a company to Delta City which is interested removing arsenic from drinking water. The company uses a bacteria to remove heavy metals from water. The procedure has been used extensively on industrial sites for a number of years and they are interested in testing the procedure in removing arsenic from drinking water. At this time, the tests have been successful in removing 15 ppm arsenic down to non-detect. This is the first time the procedure has been used on drinking water and they are using Delta City water to help design their process for use on drinking water and are attempting

RCCM 09-09-02

Page 8

to get the process approved for use by the state. It is estimated that the procedure will require a 50,000 to 65,000 gallon tank full of bacteria in order to produce a flow of 750 gallons per minute. The system has some definite possibilities and would be much less expensive than other systems and procedures previously tested. If this process can be perfected for use in drinking water, it would be much less costly than other procedures which have been studied and also less expensive than creation of an area water agency


Public Works Director Alan Riding reported that bid opening will be held on Thursday, September 12, 2002 for the airport improvement project.

Council Member Margaret Dutson asked whether a wheel chair ramp had been constructed near the extended care facility. Public Works Director Riding advised the Council that a wheel chair ramp had been installed on the northwest corner of the building.

Mayor Bunker asked Council Members to view a video presentation of the flowers in the City Park which had been provided by Sid Young. Some of the photos may be utilized on the Delta City web site.

Mayor Bunker asked if there were any comments, questions or other items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn the meeting. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none he called for a vote. The motion passed unanimously.

Mayor Bunker declared the meeting adjourned at 9:05 p.m.


GAYLE BUNKER, Mayor


GREGORY J. SCHAFER, CMC, City Recorder

MINUTES APPROVED: RCCM 09-23-02

